Dear James,

**Government Response to the Committee’s Second Special Report**

Thank you for your letter of 11 February setting out your Committee’s views on some of the issues in the Government’s response to your Second Special Report. I am responding to each of the points you raised.

**Notice periods for possession of land.**

I share your views on ensuring that landowners get adequate notice for temporary possession of land. Having considered the Committee’s views, I will offer a further assurance to the National Farmers Union (NFU) that, for temporary possessions under Part 1 of Schedule 15 of the Bill, the Nominated Undertaker (NU) will provide at least 3 months’ notice to landowners of possession, save for where it has been agreed with the landowner that a shorter notice period is acceptable or in a small number of exceptional circumstances that necessitate more rapid access to land where it has not been possible to plan in advance. Exceptional circumstances might include discovery of a previously unknown utility, or identification of a previously unknown interest in land. This assurance would be in addition to the assurance already given to the NFU to providing affected parties advance notification of the quarter in which land is expected to be required (for temporary and permanent possessions).

I believe these arrangements fairly balance the practical needs of land owners affected as well as the need to maintain some flexibility in order to avoid unnecessary costs or delays.

**Compensation for short term tenants.**

I understand – and share – the Committee’s concerns that potentially vulnerable individuals are properly supported and compensated.
assured short-hold tenants and agricultural tenants are already entitled to claim a loss payment of £6,300 and reasonable moving expenses if they are displaced by HS2 works. Houseboat owners who are displaced by HS2 may be entitled to claim disturbance costs (which includes their costs of relocating). The budgets for property compensation for the scheme account for such payments. HS2 Ltd has recently published a new Information Paper, C15 - Guide to Compensation for Short Term Residential Tenants, to clarify the compensation that is available to the types of tenants the Committee has cited. Following representations made by your Committee, my officials have written to MHCLG, the Department with overall policy responsibility for compulsory purchase compensation, asking them to consider reviewing the issue of houseboat owners’ home loss payment entitlement within the wider land compensation regime. I will share MHCLG’s response with the Committee when received.
The queries made by Ms Sandbach MP in relation to certain types of short term tenancies were specific to sections of the HS2 Phase 2b route and no similar queries have arisen nor have petitions been received from short term residential tenants affected by the HS2 Phase 2a Bill.

**Inland Waterways petition.**

While the Inland Waterways Association (IWA) petitioned in their own right on the issue of noise, they are also a member of the “Trent & Sow Parklands and Cannock Chase AONB Group” which includes representatives from all the main local stakeholders in the area. The Group’s request was for formal recognition and to be given a remit to provide advice on a high quality design for the Great Haywood viaduct to address concerns about its visual intrusion. The National Trust, on behalf of the Group, withdrew their petition following assurances provided to them. This meant that the Committee did not hear evidence on the need to ensure that design of the viaduct complemented both the historic landscape and the setting of the adjacent Area of Outstanding Natural Beauty. A 5m noise barrier on the viaduct would clearly impact this. The evidence during the IWA’s appearance, understandably, concentrated on noise. While HS2 Ltd gave an indication of the engineering complexities of delivering higher barriers here, this did not cover the trade-off between barrier heights and their visual impact. Not wishing to constrain the Trent & Sow Parklands and Cannock Chase AONB Group’s work, the response to the Committee was intended to allow a solution that provides both effective noise attenuation and high quality design to reduce visual impact to be considered by all interested parties during the development of proposals.

**Borrow pit review.**

HS2 Ltd issued the draft of the Borrow Pits Review to relevant stakeholders on 15 February. Once affected parties have responded to the consultation HS2 Ltd will formally publish the final review report.
Access to land under compulsory purchase.

I recognise the point you are making and can accept your proposed approach.

Severed land.

I agree with the Committee’s sentiment on severed land and there are numerous examples of how small field parcels that are created or islanded by HS2 Phase 2a have been used for environmental mitigation and these can be seen in the recently published Additional Provision (AP2) and accompanying Environmental Statement – this reflects the Committee’s views on this issue. However, some severed parcels will not be suitable for use as they are not able to accommodate the type of environmental mitigation that needs to be created – for example, the right hydrological conditions required in order to create wetland habitat.

Additionally, as the AP2 design has developed HS2 Ltd have engaged with landowners that are affected by the revised scheme and where alternatives to the environmental design are proposed through those discussions, have considered them, and brought forward amendments to the design where possible. During the next stage of detailed design the NU will continue to review the opportunities to utilise land that has become severed as a result of the scheme with the intention of reducing the impact on high quality grade agricultural land. HS2 Ltd will also look for opportunities to put mitigation on land that it acquires but which is not currently required for the scheme.

Finally, the methodology that underpins the environmental design of HS2 Phase 2a assumes that severed agricultural land will continue to be used by the holding where access is available to that land or that new field accesses will be created from public highways. This is intended to ensure that land can continue to be used wherever viable.

Dr & Mrs Carter and Nethertown.

I am happy to confirm that HS2 Ltd will commit to maintaining 24 hour road access to Nethertown. This will be confirmed via a further assurance to Dr and Mrs Carter, which would also apply to the residents of Nethertown.

Footpath 58.

NSBA have confirmed that they have already submitted an application for reclassification of this footpath and it is currently being determined by the Local Highway Authority. Given the Committee’s interest in this issue, I will ensure that HS2 Ltd speak to the Local Highway Authority to encourage progress on this application, and to offer support in its consideration.
Community Engagement expertise.

Before a visit is undertaken, the stakeholder manager liaises with technical experts within HS2 Ltd (eg engineers, environmental specialists and land & property surveyors) to understand the issues the landowner is raising, identify potential solutions and agree which technical specialists should accompany them. Through this process, landowners have met representatives of the technical teams on numerous occasions. Ahead of the meeting, HS2 Ltd let the landowner know who will attend and their area of expertise. However, given scarcity of some of the technical expertise, HS2 Ltd do sometimes have to prioritise where they can be most effective. Landowners can discuss the attendance with their regular contact person in the first instance, and if they are not content they can raise the issue through the complaint process.

Resident’s Commissioner.

Once you have heard from the Resident’s Commissioner, I will consider any further comments you have on her job title and role.

Plain English.

The Committee will, I trust, be pleased to learn that HS2 Ltd’s Complaints Process Booklet was recently awarded the ‘Crystal Mark’ for plain English. HS2 Ltd now intend to secure this accreditation for other key public facing documents including the guides to:

- Property schemes
- The Need to Sell Scheme
- The Rural Support Zone
- Express Purchase.

Given the time taken to secure accreditation, I have asked HS2 Ltd to prioritise documents that will be most widely and readily used. Whilst the accreditation process continues, HS2 Ltd’s teams are provided with official editorial guidelines and technical support to help them meet the aim of communicating in plain English. Where particular legal and technical language is needed in their communication materials, HS2 Ltd will continue to provide plain English explanations, including through covering letters and non-technical summaries.
I remain grateful for the dedication and the commitment of the Committee members and trust that you will continue to work with HS2 Ltd and my officials during the final stages of the Select Committee.

Rt Hon Chris Grayling MP
SECRETARY OF STATE FOR TRANSPORT